IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 651 OF 2007

Wasim Munshi @ Hasnain Shah ..Applicant
V/s
The State of Maharashtra ..Respondent.

WITH
CRIMINAL APPLICATION NO. 652 OF 2007

Nadim Munshi @ Hasnain Shah ..Applicant
V/s
The State of Maharashtra ..Respondent.

WITH
CRIMINAL APPLICATION NO. 653 OF 2007

Naeem Munishi @ Hasnain Shah ..Applicant
V/s
The State of Maharashtra ..Respondent.

WITH
CRIMINAL APPLICATION NO.654 OF 2007

Shamim Munshi @ Hasnain Shah ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. Khankar, Advocate for the applicant.
Mrs. M.H. Mhatre and Mr. Nikam, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 6TH MARCH, 2007.

P.C.

. Heard Mr. Khankar, learned Counsel for the

applicant and Mrs. Mhatre and Mr. Nikam, learned APP for the State. The applicants in all these 4 matters are brothers interse. They seeks to be released in Crime No.24/2007 registered at Shantinagar Police Station, Bhiwandi for the offence punishable under section 147, 148, 326 r/w section 149 of Indian Penal Code.

2. The prosecution case, in brief, is that one Munshi @. Hasanain Shah, who is father of the present applicants, had some dispute with the complainant Shirajuddin. Due to that dispute, on 26/1/2007 said Munshi abused Shirajuddin and instigated his sons to beat him. It is alleged that the present applicant and two others Ashok Yadav and Abdul Malik Khan, who were armed with knife and sticks, assaulted said Shirajuddin and caused number of injuries. After the incident Shirajuddin was taken to the Municipal Hospital at Bhiwandi, where he was examined. On the same day medical certificate was also issued and he was transferred to Civil Hospital, Thane for further treatment. However, according to the prosecution, said Shirajuddin got himself admitted in some private hospital for further treatment and he has been now

discharged from the hospital.

3. As per the medical certificate, Shirajuddin had suffered in all 12 injuries. Most of them were contused lacerated wounds. Out of the said injuries, injury No.11 was about fall of left upper premolar and that is the only grievous hurt. All other injuries were simple and were caused with hard and blunt object. As per the medical certificate, none of the injury was caused with sharp and cutting weapons. No injury was found on any vital part of the body like head. Therefore, taking into consideration the injuries suffered by Shirajuddin it appears that section 326 of Indian penal Code may not be applicable but case may fall under section 325 of Indian Penal Code, which is bailable. Therefore, all the four applicants are entitled to be released on bail. It may be noted that other three accused including father of the present applicant are already granted bail.

4. Therefore, the applicants be released on their executing P.R. of Rs.10,000/- each with surety in like amount with condition that they shall not tamper with the prosecution evidence.

(J.H. BHATIA, J.)